

10/29/01
J1057 U.S. PTO

01-25-02

A

Practitioner's Docket No. 701826-052040

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Eric André DesRosiers EXAMINER: To be assigned
SERIAL NO: To be assigned GROUP: To be assigned
FILED: Herewith
FOR: A METHOD FOR RESTORING A FAT-PAT

J1057 U.S. PTO
10/055493
10/29/01

CERTIFICATE OF MAILING

I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as Express Mail Label No. EL565093288US in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231.

Date: 29 October 2001

Nicole M. Gignac
Nicole M. Gignac

**Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231**

NEW APPLICATION TRANSMITTAL

1. Type of Application

This new application is for an

(check one applicable item below)

- ☒ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☐ Continuation.
- ☐ Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

37 C.F.R. section 1.78(a)(1).

☒ The new application being transmitted claims the benefit of prior U.S. application(s):

1. US Provisional 60/248,228 – Filed November 15, 2000
2. US Provisional 60/248,570 – Filed November 16, 2000

Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE
BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

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3. Papers Enclosed

A. Required for Filing Date under 37 C.F.R. section 1.53(b) (Regular) or 37 C.F.R. section 1.153 (Design) Application

17 Pages of Specification
6 Pages of Claims
2 Sheets of Drawing

(complete the following, if applicable)

☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. section 1.84(b).

☐ Formal
☐ Informal

B. Other Papers Enclosed

4 Pages of declaration and power of attorney
1 Pages of Abstract
 Other

4. Additional Papers Enclosed

☐ Amendment to claims

☐ Cancel in this applications claims _____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☐ Preliminary Amendment
☐ Information Disclosure Statement (37 C.F.R. section 1.98)
☐ Form PTO-1449 (PTO/SB/08A and 08B)
☐ Citations
☐ Declaration of Biological Deposit
☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
☐ Special Comments
☐ Other

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5. Declaration or Oath (including power of attorney)

☒ Enclosed

Executed by Eric André DesRosiers

(check all applicable boxes)

- ☒ inventor(s).
☐ legal representative of inventor(s). 37 C.F.R. section 1.42 or 1.43.
☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. section 1.47 and the statement required by 37 C.F.R. section 1.47 is also attached. See item 13 below for fee.

☐ Not Enclosed.

☐ Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. section 1.16(e), can be filed subsequently).

☐ Showing that the filing is authorized.
(not required unless called into question. 37 C.F.R. section 1.41(d))

6. Inventorship Statement

The inventorship for all the claims in this application are:

☐ The same.

or

- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
☐ is submitted.
☐ will be submitted.

7. Language

- ☒ English
☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. section 1.52(d).

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EXAMINER: To be assigned
 GROUP: To be assigned

8. Assignment

☐ An assignment of the invention to _____

☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☐ will follow.

9. Certified Copy

Certified copies of applications:

1. US Provisional 60/248,228 – Filed November 15, 2000
2. US Provisional 60/248,570 – Filed November 16, 2000

from which priority is claimed

☐ is (are) attached.

☒ will follow.

10. Fee Calculation (37 C.F.R. section 1.16)

A. ☒ Regular application

☒ Basic Filing Fee – small entity - \$370.00

☐ Basic Filing Fee – large entity - \$740.00

	<u>Claims</u>	<u>Allowed</u>	<u>Extra</u>	<u>Rate</u>	<u>OR</u>	<u>Other Than A Small Entity</u>	<u>Addit. Fee</u>
Total:	36	- 20	= 16	x \$9 =	144.00	x \$18 =	\$ 0.00
Indep.:	1	- 3	= 0	x \$42 =	0.00	x \$84 =	\$ 0.00
<input type="checkbox"/> First Presentation of Multiple Dependent Claim				+ \$140	0.00	+280 =	\$ 0.00

Total Fee = \$ 514.00 OR Total Fee = \$

☐ Amendment cancelling extra claims is enclosed.

☐ Amendment deleting multiple-dependencies is enclosed.

☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 514.00

B. ☐ Design application

(\$310.00--37 C.F.R. section 1.16(f))

Filing Fee Calculation \$ _____

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C. ☐ Plant application
(\$480.00--37 C.F.R. section 1.16(g))

Filing Fee Calculation \$ _____

11. Small Entity Statement

Applicant asserts Small Entity status pursuant to (37 C.F.R. 172).

12. Request for International-Type Search (37 C.F.R. section 1.104(d))

(complete, if applicable)

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.
(This and the surcharge required by 37 C.F.R. section 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Filing fee \$ 514.00

☐ Recording assignment
(\$40.00; 37 C.F.R. section 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION.") \$ _____

☐ Petition fee for filing by other
than all the inventors or person
on behalf of the inventor where
inventor refused to sign or cannot
be reached
(\$130.00; 37 C.F.R. sections 1.47 and 1.17(I))\$ _____

☐ For processing an application with a
specification in a non-English language
(\$130.00; 37 C.F.R. sections 1.52(d) and 1.17(k)) \$ _____

☐ Processing and retention fee
(\$130.00; 37 C.F.R. sections 1.53(d) and 1.21(l)) \$ _____

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☐ Fee for international-type search report
(\$40.00; 37 C.F.R. section 1.21(e))

\$ _____

Total Fees Enclosed

\$514.00

14. Method of Payment of Fees

☒ Check in the amount of \$514.00.

☐ Charge Account No. _____ in the amount of \$ _____.
A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. _____.

☒ 37 C.F.R. section 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. section 1.16(b), (c) and (d) (presentation of extra claims)

☐ 37 C.F.R. section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. section 1.17(a)(1)-(5) (extension fees pursuant to section 1.136(a).

☐ 37 C.F.R. section 1.17 (application processing fees)

☐ 37 C.F.R. section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. section 1.311(b))

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GROUP: To be assigned

16. Instructions as to Overpayment

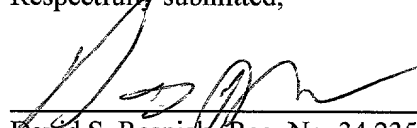
☒ Credit Account No. 50-0850.

☐ Refund

Date:

Respectfully submitted,

Customer No.: 26770


David S. Resnick (Reg. No. 34,235)
Lana A. Shvartsman (Reg. No. 48,502)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
Tel. (617) 345-6057
Fax (617) 345-1300

☒ **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 4

☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

☐ Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

☐ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

☐ This transmittal ends with this page.

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PATENT

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATIONS CLAIMED**

17. Relate Back

(complete the following, if applicable)

☒ Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. section 119(e)

☒ "This application claims the benefit of U.S. Provisional Application Nos.:

APPLICATION NO(S).:

FILING DATE

60 /248,228
60 /248,570

November 15, 2000
November 16, 2000

B. 35 U.S.C. sections 120, 121 and 365(c)

☐ "This application is a

☐ continuation

☐ continuation-in-part

☐ divisional

of copending application(s)

☐ application number 0 / _____ filed on _____ "

☐ International Application _____ filed on _____ and which
designated the U.S."

☐ "The nonprovisional application designated above, namely application
_____/_____, filed _____, claims the benefit of
U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:

FILING DATE

_____/_____
_____/_____

☐ Where more than one reference is made above please combine all references into one sentence.

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18. Relate Back--35 U.S.C. section 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country: Application No.: Filed:

The certified copy(ies) has (have)

☐ been filed on _____, in prior application 0 / _____, which was filed on _____.

☐ is (are) attached.

19. Maintenance of Copendency of Prior Application

A. ☐ Extension of time in prior application

(This item must be completed and the papers filed in the prior application, if the period set in the prior application has run.)

☐ A petition, fee and response extends the term in the pending **prior** application until _____.

☐ A **copy** of the petition filed in prior application is attached.

B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

☐ A conditional petition for extension of time is being filed in the pending **prior** application.

☐ A **copy** of the conditional petition filed in the prior application is attached.

20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

(complete applicable item (a), (b) and/or (c) below)

(a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

☐ the same.

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- ☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

(type name(s) of inventor(s) to be deleted)

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are
☐ the same.
☐ the following additional inventor(s) have been added:

(type name(s) of inventor(s) to be deleted)

- (c) ☐ The inventorship for all the claims in this application are
☐ the same.
☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
☐ is submitted.
☐ will be submitted.

21. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

(check the next item, if applicable)

- ☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

23. Small Entity (37 C.F.R. section 1.28(a))

Applicant asserts Small Entity status pursuant to (37 C.F.R. 172).

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24. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

☐ A notification of the filing of this
(check one of the following)

- ☐ continuation
- ☐ continuation-in-part
- ☐ divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. section 120.

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Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

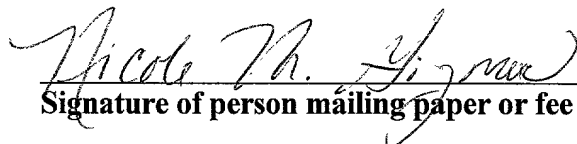
"Express Mail" label number: EL565093288US
Date of Deposit: 29 October 2001

I hereby state that the following *attached* papers and fees:

1. New Application Transmittal (7 pgs);
2. Added Pages (4 pgs);
3. Utility Patent Application (26 pgs): Specification – 17 pgs; Claims - 6 pgs; Figures - 2 pgs; and Abstract – 1 pg;
4. Declaration & Power of Attorney – executed by E. DesRosiers (4 pgs);
5. Check in the amount of \$514.00;
6. Return Receipt Postcard;

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Nicole M. Gignac



Signature of person mailing paper or fee